



Political Party Guidebook

State of Maine

Commission on Governmental Ethics and Election Practices

The Ethics Commission has taken care to make this guidebook concise and accurate. However, you should not substitute the information presented here for the applicable statutory provisions of the Election Law. The statutory requirements are controlling in the event of any omission in this publication. This guidebook is current as of May 1, 2006. Its contents are subject to statutory changes enacted by the Legislature and rule changes approved under the Administrative Procedure Act. The Commission strongly encourages you to refer to the specific areas of Maine law located at www.maine.gov/ethics.



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CHAPTER 1 – Starting a Party Committee

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- Reporting to the Ethics Commission
 - Filing Schedules
 - Electronic versus Paper Filing
 - Role of the Party Treasurer
- Keeping Required Records and Filing Reports
 - Municipal Elections

Introduction

Political parties are a valuable resource to both the electorate and candidates running for office. There are several aspects of the Election Law that are unique to political parties alone. These laws are intended to help your party committee introduce your candidates to the voters and to enhance your GOTV (get out the vote) efforts.

This guidebook was designed with the small local party committee in mind. However, except for the filing schedule, the information applies to state party committees as well. It is intended to be a resource but not a replacement for the law. You are always encouraged to contact the Commission staff with any questions you have at (207) 287-4179. We are here to assist you!

Reporting to the Ethics Commission

Your party committee will need to file reports with the Commission once it accepts contributions, incurs obligations or makes expenditures in the aggregate in excess of \$1,500 in any single calendar year. Once the \$1,500 threshold is met, the party committee must file a campaign finance report with the Commission on the next filing deadline which covers all activity since January 1st. After that, the party committee must file reports with the Commission covering through December 31st. The \$1,500 threshold starts anew on January 1st so it is possible that a committee that filed during one year does not need to file during the next year because it has not met the \$1,500 threshold.

Filing Schedules

The local (municipal, district, and county) party committee filing schedule depends on the year. The law is very clear what dates these reports are due. If the date falls on a weekend or holiday, the report is due on the next business day. Specifically, the law states the filing schedule as follows:

ELECTION YEAR REPORTING SCHEDULE		OFF-YEAR REPORTING SCHEDULE	
<i>Report Due</i>	<i>Reporting Period</i>	<i>Report Due</i>	<i>Reporting Period</i>
July 15	January 1 – June 30	July 15	January 1 – June 30
October 27	July 1 – October 22	January 15	July 1 – December 31
January 15	October 23 – December 31		

For party committees filing reports on paper, the Ethics Commission must receive the original campaign finance report signed by the treasurer by 5:00 p.m. on the filing deadline, except in two circumstances. A properly signed report may be faxed to the Commission office at (207) 287-6775 by 5:00 p.m. on the deadline, provided that the original report is received by the Commission within five days of the fax. A report that is sent by certified or registered mail and postmarked at least 2 days before the filing deadline will not be considered late, even if it is received after the filing deadline. Party committees that do not submit a required report by the filing deadline will be assessed a civil penalty, unless they request and the Commission grants a waiver of the penalty.

Electronic versus Paper Filing

Local party committees have the option of filing their reports on paper or on the Commission's electronic filing system. Due to improvements to the electronic filing system, filing your reports online is easy, fast and accurate in addition to an efficient way to manage your committee's activities throughout the year.

However, if you opt to file your reports on paper you can download blank forms from the Commission's website at <http://www.maine.gov/ethics/party/partyforms.htm>.

Role of the Party Committee Treasurer

The committee must appoint a treasurer who is responsible for maintaining records and filing accurate reports for the committee.

Keeping Required Records and Filing Reports

The Commission recommends that local party committees retain, for a minimum of 2 years, all receipts, including cancelled checks, of expenditures made in support of or in opposition to a candidate, campaign, political committee, political action committee, referendum, or initiated petition in this State.

The Commission recommends the following records to be retained:

For all expenditures made to or on behalf of a candidate, campaign or committee which aggregate more than \$50:

- The identity and address of each candidate, campaign or committee;
- The office sought by a candidate and the district sought; and
- The name and address of the payee and date of the expenditure.

Records of contributions

- All contributions over \$200 per election (primary or general) to the committee, by name and mailing address of each donor and the amount.

The campaign is not required to submit bills or invoices to the Commission unless they are requested. For example, the Commission may request bills or invoices to verify the accuracy of reports.

Municipal Elections

When a party committee makes contributions or expenditures on behalf of a candidate for municipal office, a copy of the reports filed with the Commission must also be filed with the clerk in that candidate’s municipality.

LEGAL REFERENCES	
Requirements to Report	21-A M.R.S.A. § 1017-A(7)
Filing Schedules	21-A M.R.S.A. § 1017-A(4)(B)
Municipal Elections	21-A M.R.S.A. § 1017-A(8)



CHAPTER 2 – Campaign Finance Reports

- Schedule-by-Schedule Guide
- Auction Items and Reporting
 - Amendments
- Commission’s Review of Reports
- Reminders by the Commission
 - Penalties for Late Filing
 - Appealing a Penalty

Schedule-by-Schedule Guide to Campaign Finance Reports

Each campaign finance report covers a specific period of time. You need to report all contributions and expenditures – no matter how small – for the party committee during the specified report period. There are 7 different schedules to a campaign finance report. This section is intended to assist you in completing those forms.

Schedule A Cash Contributions Received by the Committee

- Names, mailing addresses, occupations, and places of business of all individual contributors who donate more than \$200. You must make a good-faith effort to obtain the employment information of any contributor giving more than \$200, but if you are unable to obtain it from the contributor, please enter “information requested” on the campaign finance report.
- Aggregate amount of cash contributions from individuals totaling less than \$200 do not have to be itemized and can be reported as a lump sum on Line 3 of Schedule A.

Schedule B Contributions/Expenditures from the Committee to or on behalf of Candidates, Committees & Parties

- All cash and in-kind contributions to candidates and committees.
- Goods, services, materials and supplies provided by your party committee to candidates, political committees or other party committees. Include all expenditures, regardless of amount.
- The Election Law requires that the date, amount, payee, and the purpose of the expenditure be reported. The “payee” refers to the vendor that provided the goods and services. Please do not report “cash,” or “disbursement” as the payee. To report the purpose of the expenditure, you must select an expenditure type for each expenditure on *Schedule B* and *Schedule B-1*. Only

three expenditure types require additional remarks. In all other instances, the type itself is sufficient.

Schedule B-1 Operating Expenditures

- All operational expenses and other cash expenditures not made on behalf of a candidate, committee, or campaign, no matter how small.

EXPENDITURE TYPES FOR SCHEDULES B AND B-1			
Expenditure Types Requiring NO Remark		Expenditure Types REQUIRING Remark	
CON	contribution	CNS	campaign consultants
EQP	equipment	OTH	other
FND	fundraising events	PRO	professional services
FOD	food for campaign events, volunteers		
LIT	campaign literature (printing and graphics)		
MHS	mail house (all services purchased)		
OFF	office rent and utilities		
POL	polling and survey research		
PHO	phone banks, automated telephone calls		
POS	Postage for U.S. Mail		
PRT	print media ads		
RAD	radio ads, production costs		
TRV	travel (fuel, mileage, lodging, etc.)		
TVN	TV or cable ads, production costs		
WEB	Internet and e-mail		
		<p><u>For every expenditure, list the appropriate code.</u></p> <p>If a remark is required, list additional information such as type of consulting (media, messaging, campaign, etc.) or professional service provided.</p>	

Schedule C In-Kind Contributions and Expenditures

- All in-kind contributions and expenditures received by or given to the committee that have a fair market value of more than \$200. Include the contributor's or recipient's name and address, a description of the goods or services, and the fair market value.

Schedule D Loans & Loan Repayments

- List all loans and repayments from commercial or noncommercial sources totaling more than \$200.

Schedule E Total Unpaid Obligations (other than loans)

- List all unpaid obligations for goods and services that have not been invoiced and all existing unpaid bills. Debts must be disclosed in each report filed until payment is made to the vendor.

Schedule F Summary

- Summary of all schedules for this reporting period.

Auction Items and Reporting

The Commission frequently receives questions about the reporting of donations and sales for fundraising auctions for local party committees. The Commission understands that it is somewhat difficult to manage the donation of auction items. The Commission does not require you to report donated items, unless the fair market value of the item exceeds \$200. In that case, the item is reported on Schedule C as an in-kind contribution to the committee from the donor. In that same spirit, if an individual item sells for more than \$200, the purchaser must be listed as a regular contributor to the committee on Schedule A. Individual auction sales of \$200 or less can be added together and reported as a lump sum on Line 3 on Schedule A. Remember, please report the full amount paid by the purchaser as the contribution amount on Schedule A.

Amendments

If the party committee unintentionally makes an omission in a report or includes incomplete or inaccurate information, it must promptly file an amendment to that report. All amended reports are reviewed by the Commission. If the Commission determines that a report does not substantially conform to the disclosure requirements, the Commission may consider the report late, even if it was filed on time.

Commission's Review of Reports

The Commission staff reviews all campaign finance reports for completeness and compliance with the Election Law. If the staff believes a report is incomplete or requires additional information, it will contact the party committee by telephone or in writing.

Reminders by the Commission

The Election Law states that it is the obligation of the state party committee to notify all local party committees of their filing obligations. However, Commission staff attempts to reach out to all individual party committees before each filing deadline by mail based on contact information received from the state party committees.

Penalties for Party Committees

A campaign finance report is not considered timely filed unless the original or facsimile thereof is received by the Commission before 5:00 p.m. on the due date. The Commission will determine whether a report satisfies the requirements for timely filing. Where mitigating circumstances exist, the Commission may make an exception. Mitigating circumstances include:

- 1) A valid emergency as determined by the Commission;
- 2) An error by Commission staff; or

- 3) Other circumstances that the Commission determines warrant mitigation of a penalty.

Other factors the Commission may consider are the level of experience of the committee officers and treasurer or the harm suffered by the public from the late disclosure.

The penalty for filing a campaign finance report late is a percentage of the total contributions or expenditures for the filing period, whichever is greater, multiplied by the number of calendar days late, as follows:

- 1) For the first violation, 1%;
- 2) For the second violation, 2%;
- 3) For the third and subsequent violations, 5%.

Example: The treasurer files the report two (2) calendar days late. The committee has not had any previous late filings in the past 2 years. The party committee reports a total of \$2,500 in contributions and \$1,500 in expenditures for the filing period. The penalty is calculated as follows:

\$2,500	Greater of the amount of total contributions received or expenditures made during the filing period.
<u>X .01</u>	Percent prescribed for first violation
\$25.00	One percent of total contributions
<u>X 2</u>	Number of calendar days late

Penalties less than \$5 are waived. Violations accumulate on reports with filing deadlines in a 2-year period that begins on January 1st of each even-numbered year. Waiver of penalty does not nullify the finding of violation. A required report that is sent by certified or registered mail and postmarked at least 2 days before the deadline is not subject to penalty.

The maximum penalty that can be assessed against municipal, district or county committees is \$500 per report. If the late-filing causes a delay in the payment of matching funds to an opposing candidate, a penalty of up to \$10,000 could be assessed against the party committee. A person who fails to file a required report within 30 days of the filing deadline is guilty of a Class E crime. A party committee's failure to pay penalties can result in referral to the Attorney General's office for enforcement of the violation in a civil action to collect the amount due.

Appealing a Penalty

When a treasurer receives notice that a penalty will be assessed for filing a report late, the party committee has 10 days from receipt of the Commission's certified letter to request a waiver of the penalty by the Commission due to mitigating circumstances. This can be done in person by the party committee's treasurer or chair or by submitting a notarized statement of the mitigating circumstances for consideration by the Commission.

Although not required, the committee's treasurer or representative is encouraged to attend the Commission meeting and answer any questions regarding the late-filing. After the Commission meets, notice of its final determination and the penalty imposed, if any, will be sent to the party committee's treasurer. The penalty must be paid in full within 30 days unless payment arrangements are made.

LEGAL REFERENCES

Contributions Received by Committee	21-A M.R.S.A. § 1017-A(1)
Contributions to Candidates or Committees	21-A M.R.S.A. § 1017-A(2)
Expenditures	21-A M.R.S.A. § 1017-A(3)
In-Kind Contributions and Expenditures	21-A M.R.S.A. § 1017-A(3)
Reminders by Commission	21-A M.R.S.A. § 1017-A(6)
Penalties, Basis For	21-A M.R.S.A. § 1020-A(4)(A)
Penalties, Mitigating Circumstances	21-A M.R.S.A. § 1020-A(2)
Penalties, Maximum	21-A M.R.S.A. § 1020-A(5)(A)
Penalties, Appealing	21-A M.R.S.A. § 1020-A(6)



CHAPTER 3 – Other Disclosure Reports

- **Matching Funds for MCEA Candidates**
- **24-Hour Reports**
- **Independent Expenditures**

In addition to regular campaign finance reports, municipal, district and county committees may be required to file two types of additional reports during the election year – 24-Hour Reports and/or Independent Expenditure reports.

Matching Funds for MCEA Candidates

The reporting requirements outlined in this chapter are due to the potential for matching funds in a race in which a MCEA candidate participates. In addition to the initial distribution amounts that MCEA candidates receive, one who is opposed in an election (primary or general) may also qualify to receive matching funds. Matching funds are designed to allow the MCEA candidate to stay competitive financially with the candidate's opponent by "matching" the spending ability of the opponent.

The Commission pays matching funds based on a comparison of the money raised or spent by each candidate in a race, including money spent by third-parties to support or oppose the candidate. It is important that party committees understand and comply with these reporting requirements because they impact how much matching funds a MCEA candidate is entitled to receive.

24-Hour Reports of Late Contributions and Expenditures

If a party committee receives or spends and obligates more than \$1,000 during the last 11 days before an election (primary or general), it must file a 24-Hour Report of Late Contributions and Expenditures with the Commission.

This reporting requirement applies during the 11-day period that begins on the second Friday before the election. It requires that your party committee disclose any single expenditure or contribution of \$1,000 or

more within 24 hours of that contribution or expenditure. If the deadline for filing a 24-Hour Report falls on Saturday or Sunday, the report must be filed on that day. It can be filed electronically from the party committee's homepage on the Commission's e-filing website. Otherwise, the form must be faxed to the Commission on the due date.

Independent Expenditures

Filing Deadlines

An independent expenditure is an expenditure made for communications mentioning a candidate during an election period. If you have made one or more expenditures on behalf of a candidate that total more than \$250 per candidate, you have to report those expenditures on a special paper report within 24 hours, regardless of when the expenditure or obligation is made. If you make expenditures between \$100 and \$250 per candidate during the last 11 days before the election, you must also report those within 24 hours.

Expenditures between \$100 and \$250 that are made 12 days or more before an election (primary or general) are reported quarterly. For the 2006 election cycle, these reports are due on April 10th, July 15th, October 10th and October 26, 2006. You do not have to report independent expenditures on behalf of a candidate as long as the total spent never goes over \$100. But remember, it is the total spent on each candidate that triggers whether you have to file a report, not just the amount of a single expenditure.

Please note that the independent expenditure report must contain a notarized statement that the expenditure was made independently of the candidate. You may fax the report by the deadline, provided that the Commission receives the original report within five days of faxing it.

What is an independent expenditure?

Any communication made within the last 21 days of an election that names or depicts a candidate is presumed to be an independent expenditure if a Maine Clean Election Act candidate is in the race. More than 21 days before an election, a communication must expressly advocate the election or defeat of a candidate to be considered an independent expenditure. Party candidate listings (also known as slate cards) are exempt from the independent expenditure reporting, but not the 24-hour reporting requirements listed above.

Any communication that qualifies as an independent expenditure must state the name and address of the person who made or financed the communication and a statement that it was not authorized by the candidate.

Because independent expenditures may cause matching funds to be paid to a candidate’s opponent, if he or she is a Maine Clean Election Act participant, some candidates may wish to tell supporters not to make independent expenditures in support of their campaigns.

Definitions

“Expressly advocate” means any communication that uses phrases such as “vote for the Governor,” “reelect your Representative,” “support the Democratic nominee,” “cast your ballot for the Republican challenger for Senate District 1,” “Jones for House of Representatives,” “Jean Smith in 2002,” “vote Pro-Life” or “vote Pro-Choice” accompanied by a listing of clearly identified candidates described as pro-life or pro-choice, “vote against Old Woody,” “defeat” accompanied by a picture of one or more candidates, “reject the incumbent,” or communications of campaign slogans or individual words, which in context can have no other reasonable meaning than to urge the election or defeat of one or more clearly identified candidates, such as posters, bumper stickers, advertisements, etc. which say “Pick Berry,” “Harris in 2000,” “Murphy/Stevens” or “Canavan!”

“Clearly identified,” with respect to a candidate, means that:

- The name of the candidate appears;
- A photograph or drawing of the candidate appears; or
- The identity of the candidate is apparent by unambiguous reference.

LEGAL REFERENCES

Matching Funds	21-A M.R.S.A. § 1125(9); Rules, Chapter 3, Sections 5(3)
24-Hour Reporting Requirement	21-A M.R.S.A. § 1017-A(4-B)(C)
Independent Expenditures	21-A M.R.S.A. §§ 1019-B(3); 1014(2-A)



CHAPTER 4 – Helping Your Candidates

- Contributions Limits
- Campaign Events
 - House Parties
- In-Kind Contributions
 - Office Support
- Party Candidate Listing (Slate Card)
 - Voter Lists
- Recounts of Elections

There are several aspects of the Election Law that are unique to party committees alone. This chapter is an overview of those things that your committee can do to help your candidates.

Contributions Limits

Pursuant to 21-A M.S.R.A. § 1015(2), the political party contribution limits per election (primary or general) are as follows:

Candidates for the Legislature	\$250
Candidates for Governor	\$500
Party Committees	Unlimited
Political Action Committees	Unlimited

Campaign Events

A party committee can pay for a campaign event where 3 or more candidates attend without it counting as a contribution. If only two candidates are in attendance, the cost of the event and any proceeds may be considered a contribution to the candidate. This could be a serious complication if one of the candidates is a MCEA participant because it may violate Maine Clean Election Act requirements.

House Parties

An individual may voluntarily provide the use of real or personal property and the cost of invitations, food and beverages without making a contribution to candidate, as long as the total value of these activities does not exceed \$100 per candidate per election (primary or general). These costs do not need to be reported by the individual, committee or candidate.

In-Kind Contributions

Your party committee can contribute goods and services (anything of value) to a candidate but if the candidate has not reimbursed your committee for the full value of the goods and services, your party committee has made an in-kind contribution. The amount of the contribution is the value of the goods and services minus any payment the candidate has made to your committee. In-kind contributions are subject to the \$500 or \$250 contribution limit for privately financed candidates. MCEA candidates cannot accept any cash or in-kind contributions.

Generally, expenditures by your party committee that are made in cooperation or consultation with the candidate to promote their election are contributions to the candidate, except for expenditures for certain excluded activities such as party candidate listings (slate cards) and campaign events for three or more candidates. These contributions count toward the contribution limit for privately financed candidates. You are required to report the expenditures and the candidate is required to report the goods and services received as in-kind contributions. This is prohibited in the case of MCEA candidates, because they cannot accept contributions.

Office Support

You can provide office support for a candidate provided that there is no additional cost to you. For example, you can have a phone bank at your office, provide a computer for research, or a photocopier to a candidate, if you do not pay an additional cost to do so.

Party Candidate Listing (Slate Card)

This exception in the law is uniquely available to political party committees at the state or local level and will not be counted as a contribution or toward a MCEA opponent's matching funds provided the criteria below are met. If the criteria are not met, the committee must report the expenditure, the candidate must report an in-kind contribution, and a MCEA opponent may be eligible for matching funds. The criteria are:


- Must list 3 or more candidates;
- Distributed through public advertising (radio, TV, newspapers, direct mail, e-mail, internet sites, etc.);
- Substantially treats all candidates in the same manner; and
- Content of the communication is limited to:
 - Identification of each candidate (pictures can be included);
 - Offices sought;


- Offices currently held by the candidates;
- Party affiliation;
- A brief statement about the party, or the candidates' positions, goals, philosophy, accomplishments, or biographies;
- Encouragement to vote for the candidates identified; and
- Information about voting (hours and locations).


If the communication contains language outside these categories, it does not qualify as a party candidate listing. Please see below examples of acceptable and unacceptable party candidate listings based on the preceding criteria.

ACCEPTABLE

SAY YES!! VOTE ON NOVEMBER 7th
SUPPORT THE MAINE COON CAT PARTY!


PAUL HARRIS
 SENATE DISTRICT A
 SAY YES TO SERVICE ABOVE SELF
 MEMBER, AUGUSTA ROTARY CLUB



ADDISON MONK
 GOVERNOR
 SAY YES TO LOWER TAXES
 FORMER ATTORNEY GENERAL


LARRY WEINSTEIN
 HOUSE DISTRICT Z
 SAY YES TO NEW JOBS
 SMALL BUSINESS OWNER

PAID FOR & AUTHORIZED BY THE COON CAT PARTY OF MAINE, 3 PIZZA CONNECTION LANE, AUGUSTA, MAINE 04330

UNACCEPTABLE


SEND GOVERNOR MONK BACK TO AUGUSTA ON NOVEMBER 7th



ADDISON MONK
 YOUR GOVERNOR

- ~ NO New Taxes on Her Watch
- ~ Created the Maine Healthy Schools Program
- ~ Increased Road Funding
- ~ Brought New Businesses to Maine
- ~ Forced Government Accountability
- ~ Reduced State Debt
- ~ Started the Maine Energy Efficiency Group
- ~ Eliminated All Unfavorable Fees

FOUR MORE YEARS AND
SHE WILL CREATE THE MAINE
YOU WANT FOR YOUR KIDS!!!

VOTE FOR
MONK!!


 LARRY WEINSTEIN
 HOUSE A


 PAUL HARRIS
 SENATE Z

Voter Lists

Party committees can provide any voters lists they obtain, either at cost or not, free-of-charge to a candidate. The candidate can be a MCEA participant. This list will not be considered an in-kind contribution and will not be subject to the contributions limits.

Recounts of Elections

Party committees may contribute to a candidate without limitation for the purposes of a recount. These contributions must be identified on the appropriate campaign finance report and state that they were for the sole purpose of a recount.

LEGAL REFERENCES	
Contribution Limits	21-A M.R.S.A. §§ 1015(2); 1056(1)
Campaign Events	21-A M.R.S.A. § 1012(2)(B)(8-A)
House Parties	21-A M.R.S.A. § 1012(2)(B)(3)
In-Kind Contributions	21-A M.R.S.A. § 1014(3-A)
Office Support	21-A M.R.S.A. § 1012(2)(B)(9)
Party Candidate Listing (Slate Card)	21-A M.R.S.A. §§ 1012(2)(B)(5); 1012(5)
Voter Lists	21-A M.R.S.A. § 1012(6)
Recounts of Elections	21-A M.R.S.A. § 1018(B)



CHAPTER 5 – Campaign Communications

- Disclosure on Distributed Materials
- Communications Not Authorized by a Candidate
- Communications Exempt from Disclosure
 - Automated Telephone Calls
- Required for Broadcasting Stations and Newspapers
 - Enforcement
- Placement of Political Signs
 - Push Polling

Disclosure on Distributed Materials

When a party committee makes an expenditure for a communication expressly advocating the election or defeat of a candidate, the communication must clearly and conspicuously state the name and address of the party committee that authorized, paid for or financed the communication. This requirement also applies to any communication that names or depicts a clearly identified candidate and that is distributed to voters during the 21 days before an election. This includes communications made through broadcasting stations, newspapers, magazines, outdoor advertising facilities (including yard signs), direct mails, and other types of political advertising through flyers, handbills, bumper stickers, and other non-periodical publications.

Communications Not Authorized by a Candidate

If a communication is not authorized by a candidate, a candidate's authorized political committee or their agents, the communications must clearly and conspicuously state that the communication is not authorized by any candidate and state the name and address of person who made or financed the expenditure for the communication. If the communication is in written form, it must contain at the bottom in 10-point bold print, Times New Roman font, and the words "NOT PAID FOR OR AUTHORIZED BY ANY CANDIDATE." This statement is also required for all independent expenditures.

EXAMPLE

**PAID FOR BY THE MAINE TREE PARTY, 3 PIZZA CONNECTION LANE, AUGUSTA, ME.
NOT PAID FOR OR AUTHORIZED BY ANY CANDIDATE.**

Communications Exempt from Disclosure

Some campaign-related items do not require the name and address of the person who made or authorized the expenditure for the communication because the name or address would be so small as to be illegible or

infeasible. These items are ashtrays, badges and badge holders, balloons, campaign buttons, clothing, coasters, combs, emery boards, envelopes, erasers, glasses, key rings, letter openers, matchbooks, nail files, noisemakers, paper and plastic cups, pencils, pens, plastic tableware, 12-inch or shorter rulers, swizzle sticks, tickets to fund-raisers, and similar items determined by the Commission to be too small and unnecessary for the disclosure statement. Yard signs are NOT exempt from the attribution statement.

Automated Telephone Calls

Automated telephone calls that name a clearly identified candidate must include the name of the person who paid for or financed the communication. The disclosure is not required for calls paid for by the candidate using the candidate's voice.

Requirements for Broadcasters and Newspapers

Broadcasting stations and newspapers in Maine may not broadcast or print communications without the required disclosure.

Enforcement

If the Commission receives a complaint about communications that do not contain the required disclosure, the Commission will request that the disclosure be added to the communication. A communication or expenditure that results in a violation of the requirements may result in a penalty of up to \$200. Anyone who intentionally misleads voters about the source of a communication may be subject to a penalty of up to \$5,000.

Placement of Political Signs

The Department of Transportation regulates the placement of political posters and signs. Under the provisions of 23 M.R.S.A. § 1913-A and Department's regulations:

1. Political posters and signs may be erected on private property outside the Right of Way limits of public ways at any time prior to an election, primary or referendum, limited in size to a maximum of 50 square feet.
2. Political posters and signs may be erected within the Right of Way limits of public ways no sooner than six (6) weeks prior to an election and must be removed no later than one week following the date of the election.
3. **Prohibited practices:** political posters and signs shall not be erected or maintained on any traffic control signs or devices, public utility poles or fixtures, upon any trees or painted or drawn upon rocks or other natural features.

4. No person shall place, maintain or display upon or in view of any highway any unauthorized sign, signal, marking, or device which purports to be or is an **imitation of or resembles an official traffic-control device**, such as a stop sign.
5. Political signs may be displayed to view to all public ways **except** for the Interstate Highway System. Under federal and state law, **signs may not be placed within the limits of any controlled access highway nor erected within 660 ft. of the nearest edge of the Interstate Highway System in such a manner that the message may be read from the Interstate Highway.** All signs located at interstate interchanges are in violation and will be removed.
6. **Municipal ordinances** advocating stricter control take precedence over state law.

Traffic safety should be of the utmost consideration in placement of political signs. Candidates and campaign workers should take great care not to place signs or posters where same could create a traffic hazard. For example, signs or posters should not be placed at or near intersections where they could obstruct the view of on-coming traffic to the motorist entering the intersection. Also, signs or posters should not be erected on or in any manner so as to interfere with the effectiveness of traffic control devices. Acceptable display would be those posters or signs affixed to their own stake or post and set in the ground well outside the traveled portion of the highway, or, with the owner's consent and permission, attached to a building or dwelling, or displayed on vehicles or in the windows of business establishments, and in other like manner. Please help the Department of Transportation to prevent an unsightly, indiscriminate and uncontrolled display of election campaign posters throughout the State and to prevent any possible embarrassment to candidates. Please direct all questions about the placement of political signs to Robert Sinclair the supervisor of the Right of Way Maintenance Control division at (207) 624-3611. The division's website is www.maine.gov/mdot/traffic-counts/public-signs.php.htm.

Most "violations" are the result of the efforts of ardent campaign workers who do not know the law. It is therefore suggested that this information be passed on to them.

Maine Department of Transportation
Maintenance employees will have
instructions to remove all improperly
placed or maintained political posters
and signs.

Push Polling

Push polling refers to telephoning voters as if taking a poll but with the actual intention of influencing the vote of the recipients. Parties conducting a push poll are required to register with the Commission. Please read 21-A M.R.S.A. § 1014-B or call the Commission for more information.

LEGAL REFERENCES

Disclosure of Distributed Materials	21-A M.R.S.A. § 1014(1)
Communications Not Authorized by Candidate	21-A M.R.S.A. § 1014(2)
Communications Exempt from Disclosure	21-A M.R.S.A. § 1014(2)
Automated Telephone Calls	21-A M.R.S.A. § 1014(5)
Requirements for Broadcasters & Newspapers	21-A M.R.S.A. §§ 1014(3); 1014(3-B)
Enforcement	21-A M.R.S.A. § 1014(4)
Placement of Political Signs	23-A M.R.S.A. § 1913(A)
Enforcement	21-A M.R.S.A. § 1014(B)



Directory

Commission on Governmental Ethics and Election Practices

Office: 242 State Street, Augusta

Mail: 135 State House Station
Augusta, Maine 04333-0135

Phone: (207) 287-4179

Fax: (207) 287-6775

Hours: 8:00 a.m. – 5:00 p.m.

Website: www.maine.gov/ethics

Electronic Filing: www.mainecampaignfinance.com/public/home.asp

Department of the Secretary of State, Division of Elections

Office: 111 Sewall St., 4th Floor, Augusta

Mail: 101 State House Station
Augusta, Maine 04333-0101

Phone: (207) 624-7650

Fax: (207) 287-6545

Hours: 8:00 a.m. – 5:00 p.m.

Website: www.maine.gov/sos

Department of Transportation, Right of Way Maintenance Control Section

Mail: 16 State House Station
Augusta, Maine 04333-0016

Phone: (207) 624-3611

Hours: 8:00 a.m. – 5:00 p.m.

Website: www.maine.gov/mdot/traffic-counts/public-signs.php

Federal Elections Commission

Mail: 999 East Street, N.W.
Washington, DC 20463

Phone: (800) 424-9530

Phone: (202) 219-3670

Website: www.fec.gov

Federal Communications Commission, Office of Political Programming

Mail: 445 12th Street, S.W.
Washington, DC 20554

Phone: (888) 225-5322

Phone: (202) 219-3670

Website: www.fcc.gov/mb/policy/political

E-Mail: campaignlaw@fcc.gov